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 U.S. DISTRICT COURT

MOTION FOR LEAVE TO AMEND COMPLAINT
UNDER F.R.C.P. 28 U.S.C. 1331 15 (A)

United States District Court for Western Pennsylvania has determined plaintiff case No. 06-16 as frivolous and failed to state a claim on which relief could be granted.

Based on a misapprehended assumption that plaintiff had not filed a legal claim before December 2002. District Court applied statute of limitation because of misapprehension of facts about when claim was filed. Also, additionally barred claim with Eleventh Amendment and barred further appeal of workmen's compensation claim with Rocker-Feldman Doctrine. Considering this, that the plaintiff filed legal claim by attorney May 27, 1994 (see attached claim).

This fact makes District Court's decision in error and makes ineffectual base on assumption that December 2002 claim is proper subject matter by which relief can be granted and outright refusal to amend complaint without justifying reason is inconsistent with plaintiff's Fourteenth Amendment Due Process right and Federal and Civil Right under F.R.C.P. 1331 15 (A). "When justice so requires leave to amend shall be freely given."

Wherefore it is respectfully requested that plaintiffs motion for leave to proceed in Forma Pauperis under 28 U.S.C. 1915 (A) (D) freedom to amend complaint under 28 U.S.C. 1331 (15) (A) Civil Action No. 06-16 be granted.

AND FOR SERVICE 24th MAY 03
 ORDERED THAT THE WITHIN
 MOTION IS DENIED.
 Gary L. Lancaster
 GARY L. LANCASTER,
 UNITED STATES DISTRICT JUDGE

Respectfully Submitted
 Fred D. Vining, Pro Se

Fred D. Vining
 115 Lincoln Blvd
 New Kensington, PA 15068
 724-335-5431
 724-472-5240